



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

**MEETING MINUTES:**

**BOARD OF PROFESSIONAL LAND SURVEYORS**

**DATE AND TIME:**

**May 16, 2013 at 8:30 a.m.**

**PLACE:**

861 Silver Lake Boulevard, Dover, Delaware  
**Conference Room A**, second floor of the Cannon Building

**APPROVED:**

**MEMBERS PRESENT**

James Bielicki, Jr., Professional Member, Chairman  
Franco R. Bellafante, Professional Member, Vice-Chair  
Charles Adams, Jr., Professional Member  
Kenneth Monroe, Public Member, Secretary  
Mark Rosenthal, Public Member

**DIVISION STAFF**

Kevin Maloney, Deputy Attorney General  
LaToya Stephens, Board Liaison

**MEMBERS ABSENT**

Thomas Plummer, Professional Member

**PUBLIC**

Amanda McAtee  
Bruce McKenna  
Frank Szczuka

**CALL TO ORDER**

Mr. Bielicki called the meeting to order at 8:36 a.m.

## **HEARING MINUTES**

HEARING – Bruce McKenna

The Delaware Board of Professional Land Surveyors held a hearing on May 16, 2013, at 8:30 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** James Bielicki, Franco Bellafante, Charles Adams, Mark Rosenthal, Kenneth Monroe

**RECUSED:**

**EXCUSED:**

**PURPOSE:** Hearing to Lift Probation

**PRESIDING:** James Bielicki

**BOARD STAFF:** LaToya Stephens, Board Liaison

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Kevin Maloney, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** Bruce McKenna

**COUNSEL FOR THE RESPONDENT:**

**WITNESSES FOR THE STATE:**

**WITNESSES FOR THE RESPONDENT:**

**COURT REPORTER PRESENT:** Vera Sitze, Wilcox and Fetzer

**TIME STARTED:** 8:30 a.m.

The recorder took verbatim testimony. The Board members introduced themselves. Mr. Maloney reviewed the timeline of events. Mr. Maloney asked Mr. McKenna if he was aware that he can have an attorney present. Mr. McKenna replied that he was aware that he can have an attorney present.

Mr. Maloney marked his documents as Exhibit #1 Nature of the Proceedings, and Exhibit #2 Hearing Notice Letter April 29, 2013.

Mr. Maloney turned the floor over to Mr. McKenna. Mr. Maloney stated that the Board has had the opportunity to review Mr. McKenna's case and will go off record to deliberate on their decision. Vera Sitze, Wilcox & Fetzer, swore in Mr. McKenna at 8:36 a.m.

Mr. McKenna stated that back in 2011 the Board issued a letter of reprimand that he has fulfilled and hopes the Board has reviewed his entire document and will lift his probation. Mr. Bellafante asked Mr. McKenna about a statement from page 7 of his doctor's report and asked him to explain the condition under Megan's Law. Mr. McKenna explained that he has fulfilled his requirements by registering with his local police department as a requirement of his conviction. Mr. Bielicki stated that from reading Mr. McKenna psychiatrist's notes that there was new information that Mr. McKenna mentioned in the psychiatrist letter that the Board had not been aware of. Mr. Bielicki stated that the Board did not know prior to issuing the letter of reprimand that Mr. McKenna attempted to meet with a child after viewing child pornography online. Mr. Bielicki stated that the Board's letter of reprimand was issued without knowing this piece of information and that he was concerned in light of the new information. Mr. Maloney asked if there were any other questions.

Mr. Maloney stated that the Board is off the record for deliberation. Mr. Maloney asked Mr. McKenna to take a seat back in the audience during the Board's deliberation. Maloney asked the Board to deliberate and be prepared to make a motion to go back on the record.

The Board returned out of deliberation at 9:00 a.m. Mr. Bielicki made a motion, seconded by Mr. Rosenthal to approve to have Mr. McKenna's probationary status lifted. The motion carried unanimously.

### **Review and Approval of Minutes**

Mr. Monroe made a motion, seconded by Mr. Rosenthal, to approve the April 18, 2013 minutes. By unanimous vote, the motion carried.

### **Unfinished Business**

#### **Possible amendment to Title 25, Chapter 3 regarding survey requirements for conveyances**

Mr. Maloney stated that he attempted to put the reform bill into a final draft form. He handed out copies to the Board members. Mr. Maloney stated that legislated rules require the Bill to have a synopsis when proposing the new Bill or Bill changes. Mr. Bielicki stated that he would prefer that the Board take some time to come up with a synopsis instead of rushing to put something together during its meeting. Mr. Bielicki will draft an email and send out to the Board for review. Mr. Maloney asked that all the Board members read the Bill and be prepared to ask questions and have suggestions at the next scheduled Board meeting.

### **Proposed Amendment of Regulations – Public Comment**

There was no public comment.

### **NEW BUSINESS**

#### **Courses for Continuing Education Approval**

##### **Aleksandar Grkovic – Harken-Reidar**

After Board review, Mr. Bielicki made a motion, seconded by Mr. Monroe to approve the application as requested for 13 PDHs. The motion carried unanimously.

##### **Aleksandar Grkovic – Maryland Society of Surveyors**

After Board review, the Board discussed if the course - Exam Prep: MD Law & Ethical Issues; Road Grade and Storm Drain included what the certificate submitted by Mr. Grkovic indicates. The course description did not state that it does. Mr. Bielicki made a motion, seconded by Mr. Rosenthal to table the Board's decision until Mr. Grkovic provides the Board with verification on how many of the requested continuing education hours were devoted to Ethics. The Motion carried unanimously.

##### **Aleksandar Grkovic – SiTech Chesapeake**

After Board review, Mr. Bielicki made a motion, seconded by Mr. Bellafante to approve the application as requested for 20 PDHs. The motion carried unanimously.

### **HalfMoon Education Inc**

After Board review, Mr. Bielicki made a motion, seconded by Mr. Rosenthal to have the requests listed below remain tabled until the Board has verification on if the courses are live classroom courses or online courses with continuous mutual communication. The motion carried unanimously.

- Best Practices in GPS Surveying – 6.5 PDH
- GPS and GIS for Engineers and Land Surveyors – 6.5 PDH
- State Plane Coordinate System Workshop – 7 PDH

**Woodrow Botts – PA. Association of Professional Land Surveyors**

After Board review, Mr. Bielicki made a motion, seconded by Mr. Bellafante to table the Board's decision until Mr. Botts supplies the Board with verification on how the PA Board is approving for this course and how many continuing education hours are being designated for PDHs and how many are designated as Ethics. The motion carried unanimously.

**Delaware Association of Surveyors Inc**

After Board review, Mr. Bielicki made a motion, seconded by Mr. Bellafante to approve the application as requested for one ethic credit. The motion carried unanimously.

**James Hunt – PA Association of Professional Land Surveyors**

After Board review, Mr. Bielicki made a motion, seconded by Mr. Monroe to table the Board's decision until Mr. Hunt supplies the Board with the required documents requested at the end of the application. The motion carried unanimously.

**Review of Application for Licensure by Examination – None**

**Review of Application for Licensure by Reciprocity – John Long**

Mr. Bellafante reviewed the application for licensure by reciprocity. After Board discussion, Mr. Bellafante made a motion, seconded by Mr. Monroe to approve the application for licensure contingent upon Mr. Long passing the test. The motion carried unanimously.

**Review of Application for Surveyor Intern - None**

**Ratification of Issuance of Land Surveying Certificate of Authorization - None.**

**Review of Land Surveying Certificate of Authorization – None**

**Review of Audits – None**

**Complaint Assignments**

**Complaint Status– None**

**Closed Complaints - None**

**Wall Certificates – None**

**Correspondence– None**

**Executive Session**

Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to go into Executive session at 9:44 a.m. to discuss a non-public record pursuant to 29 DE, code 1002G3, investigatory file.

Executive session ended at 10:33 a.m.

**OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)**

Mr. Bellafante wanted to know why the Investigators do not release all documents and attachments to the Board contact relating to the complaint. Ms. McAtee and Ms. Stephens explained that once the complaint is assigned to an Investigator, the Investigator will contact the Board contact for the complaint and will go over all of the attachments at that point. The head of Investigations, Mr. Ford

entered into the Board meeting. Mr. Ford explained to the Board when documents and attachments are released to the Board contact and under what circumstances.

**PUBLIC COMMENT**

There was no public comment.

**NEXT MEETING**

The next meeting of the Board is June 20, 2013 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**ADJOURNMENT**

There being no further business before the Board, Mr. Rosenthal made a motion, seconded by Mr. Adams, to adjourn the meeting at 11:44 a.m. By unanimous vote, the motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "LaToya Stephens", written in a cursive style.

LaToya Stephens  
Board Liaison

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*